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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
VIRGINIA MILANES, <i>et al.</i> ,	:
	:
Plaintiffs,	:
	:
v.	:
	:
MICHAEL CHERTOFF, <i>et al.</i> ,	:
	:
Defendants.	:
-----X	

ECF Case
08 Civ. 2354 (LMM) (KNF)
NOTICE OF MOTION

PLEASE TAKE NOTICE that upon Defendants' Memorandum of Law in Support of their Motion to Dismiss in Part and Remand in Part, or, in the Alternative, for Summary Judgment, and in Opposition to Plaintiffs' Motions for a Preliminary Injunction and Class Certification, dated June 19, 2008; Defendants' Statement Pursuant to Local Civil Rule 56.1(a), dated June 19, 2008; the Declaration of Robert William Yalen, dated June 19, 2008; the Declaration of David J. Keevis, dated June 19, 2008; and the Declaration of Michael A. Cannon, dated June 6, 2008; and upon all the pleadings and other papers filed in this action, defendants,

by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable Lawrence M. McKenna, United States District Judge, for an order dismissing the complaint in part pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and remanding the case in part pursuant to 8 U.S.C. § 1447(b), or, in the alternative, granting defendants summary judgment pursuant to Rule 56, and for such other relief as the Court deems just.

Dated: New York, New York
June 19, 2008

MICHAEL J. GARCIA
United States Attorney for the
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